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MINUTES OF THE MEETING OF THE EXECUTIVE
COUNCIL

April 27, 1918

Pursuant to the call of the Chairman, the Executive Council of the American Society of International Law met at No. 2 Jackson Place, N. W., Washington, D. C., at 10 o'clock a. m., on Saturday, April 27, 1918.

Present:

Hon. ELIHU ROOT	Mr. CHARLES CHENEY HYDE
Hon. CHANDLER P. ANDERSON	Prof. JOHN H. LATANÉ
Hon. JOHN BARRETT	Prof. WILLIAM R. MANNING
Mr. CHARLES HENRY BUTLER	Hon. ANDREW J. MONTAGUE
Mr. CHARLES NOBLE GREGORY	Mr. JAMES BROWN SCOTT
Dr. DAVID JAYNE HILL	Mr. ALPHEUS H. SNOW
Prof. GEORGE G. WILSON	

Mr. GEORGE A. FINCH, Assistant to the Secretaries, was also in attendance.

Mr. ROOT, the President of the Society, presided.

The reading of the minutes of the meetings of the Council of April 26 and 28, 1917, was dispensed with and they were approved as printed in the Proceedings of the Society for that year.

REPORTS OF OFFICERS

The Recording Secretary, Dr. JAMES BROWN SCOTT, reported the deaths of Hon. Joseph H. Choate, Hon. John W. Foster and Hon. Richard Olney, Vice-Presidents of the Society, and M. Louis Renault, an honorary member of the Society. Upon motion, duly made and seconded, the Recording Secretary was requested to draft suitable memorials on the deaths of these colleagues for incorporation in the minutes. The memorials are appended hereto, pp. 22, 25, 27 and 35.

The Treasurer, Hon. CHANDLER P. ANDERSON, submitted the following report:

TREASURER'S REPORT

JANUARY 1 TO DECEMBER 31, 1917

INVESTMENT STATEMENT

RECEIPTS

Life membership dues 28 life members at \$100 each.....	\$2,800.00
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INVESTMENTS

June 23, 1906. 1 \$500 Central Pacific first mortgage 4% bond at 102 with commissions.....	\$510.63	
Dec. 21, 1906. 1 \$500 Central Pacific first mortgage 4% bond at 100½ with commissions.....	503.73	
Nov. 14, 1907. 1 \$500 Central Pacific first mortgage 4% bond at 90 with commissions.....	451.08	
July 2, 1908. 1 \$500 Central Pacific first mortgage 4% bond at 97½ with commissions.....	486.75	
Mar. 13, 1917. 1 \$500 Central Pacific first mortgage 4% bond at 90 with commissions.....	452.95	2,405.14
Dec. 31, 1917. Balance on deposit at Riggs National Bank.....		\$394.86

PRINCIPAL ACCOUNT

Jan. 1, 1917. Balance at Riggs National Bank.....	\$747.81
1 life membership dues \$100.....	100.00
	<u>\$847.81</u>
Mar. 13, 1917. 1 \$500 Central Pacific first mortgage 4% bond at 90 with commissions	452.95
Dec. 31, 1917. Balance at Riggs National Bank.....	<u>\$394.86</u>

INCOME ACCOUNT

RECEIPTS

Balance on deposit at Union Trust Company carried forward from last account.....	\$1,627.94
Balance on deposit at Riggs National Bank carried forward from last account.....	4,087.66
Annual dues for 1913.....	\$10.00
1914.....	20.00
1915.....	75.00
1916.....	390.00
1917.....	4,855.00
1918.....	115.00
1919.....	2.00
	<u>5,467.00</u>
Income from investment of life membership dues.....	90.00
Foreign postage 1916.....	\$16.08
1917.....	81.17
1918.....	3.00
	<u>100.25</u>
	<u>\$11,372.85</u>

<i>Forward</i>		\$11,372.85
Exchange on checks.....		.52
Subscriptions: 1915 account.....	\$2,002.50	
1916 account.....	1,887.12	3,889.62
		<hr/>
Interest: Riggs National Bank.....	\$121.22	
Union Trust Company.....	49.18	170.40
		<hr/>
Sale of Proceedings.....		91.27
Banquet.....		400.00
Sale of Special Supplement.....		7,020.00
Held for account of F. Hinckley for general index.....		1.25
		<hr/>
		\$22,945.91

DISBURSEMENTS

Salary account:

George A. Finch, Secretary to Board of Editors and Business Manager.....	\$1,200.00	
H. K. Thompson, Assistant to Treasurer.....	300.00	
Elsie K. Wright, account clerical assistance for Recording Secretary and Editor-in-Chief.....	85.83	1,585.83

Secretary's disbursements:

Postage, telegrams, express, etc.		32.15
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Treasurer's disbursements:

Postage, telegrams, etc.		59.65
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Supplies:

Stationery, notices, receipt books, etc.		
Byron S. Adams.....	\$37.75	
A. D. Howe.....	30.83	
Globe Wernicke Co.	1.20	69.78

Journal:

Publication, 1915.....	\$2,561.75	
1916.....	2,559.00	5,120.75

Postage, 1915.....	\$101.77	
1916.....	92.89	194.66

Preparation, 1917.

K. Sellers.....	\$100.00	
Otis T. Cartwright.....	62.00	
Wilbur S. Finch.....	78.00	240.00

Preparation, 1918.

K. Sellers.....	25.00	265.00
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Special Supplement:

Baker, Voorhis & Co., printing, etc.	\$5,875.00	
George A. Finch, preparation.....	150.00	6,025.00

Proceedings:

Smith & Hulse, reporting annual meeting.....	\$207.50	
Wilbur S. Finch, proof reading.....	30.00	
Postage, etc.	1.30	238.80

\$13,591.62

<i>Forward</i>	\$13,591.62	\$22,945.91	
Advertising account:			
Byron S. Adams.....	275.00		
Furniture account:			
A. J. Wolfe (book binding).....	7.25		
Annual meeting:			
Byron S. Adams, programs, etc.	94.75		
Banquet:			
Willard Hotel Company, dinner, flowers, etc. . .	\$471.25		
Byron S. Adams, menu, etc.	9.75	481.00	
Committee on Study and Teaching of International Law:			
Quincy Wright	\$66.34		
Philip Marshall Brown.....	43.45		
H. P. Judson.....	62.20		
Jesse S. Reeves.....	54.80		
Byron S. Adams, printing report.....	5.75	232.54	
Reprints of articles:			
Journal, 1915.....	\$108.19		
1916.....	155.73	263.92	14,946.08
Balance December 31, 1917.....			\$7,999.83
Balance at Union Trust Company.....	\$1,677.12		
Balance at Riggs National Bank.....	6,322.71		
			<u>\$7,999.83</u>

Upon motion duly made and seconded the Treasurer's report was ordered to be received and filed.

The TREASURER called attention to the balance of approximately \$4,000 which might be invested in Liberty Bonds, and, after consideration, the Council adopted the following resolution:

Resolved, That the Treasurer be instructed to subscribe all available balances in his hands in Liberty Bonds.

REPORTS OF COMMITTEES

Mr. ALPHEUS H. SNOW, on behalf of the Auditing Committee, submitted the following report upon the audit of the Treasurer's accounts from April 25, 1914, to December 31, 1915, and from January 1 to December 31, 1916, which, upon motion, was received, accepted and ordered to be filed:

April 15, 1918.

To the Executive Council of the
American Society of International Law:

The undersigned, appointed as a committee to audit the Treasurer's report from April 25, 1914, to December 31, 1915, and also

his report from January 1 to December 31, 1916, filed with the Executive Council, respectfully state that they have examined the said reports and the schedule of receipts and expenditures accompanying them, together with the checks, vouchers and bank books, and find the items and totals correct as therein stated.

The committee has not examined the securities held as investments, these being in safe deposit in New York City.

Respectfully submitted,

(Signed) A. H. SNOW,

CHAS. RAY DEAN.

With reference to future audits, Mr. Snow stated that it was inconvenient for members residing in Washington to perform this work because the accounts of the Treasurer were kept in New York City, and he suggested that the committee be composed of members residing in New York or that the work be done by an auditing company. After consideration, the Council adopted the following resolution:

Resolved, That the Auditing Committee be authorized to procure an audit of the accounts for last year and for the current year by an audit company, upon conference with the Treasurer, and that the Executive Committee be authorized to pay the expenses thereof.

Professor GEORGE G. WILSON, Chairman of the Standing Committee on Selection of Honorary Members, reported that the Committee deemed it inexpedient to report upon honorary members under present conditions.

Dr. SCOTT, Chairman of the Committee on Membership, reported that during the preceding year ninety-four new members had been elected, thirteen had died, thirty-eight had resigned, and eighty-three had been dropped for non-payment of dues.

Mr. CHARLES HENRY BUTLER, on behalf of the Committee on Codification, stated that it appeared that the Committee would soon have a field in which to work and asked that the committee be continued.

Dr. SCOTT thought that the committee would make better progress if it did not embrace the whole field of international law, but was instructed to take up and make a report upon a particular branch or phase of the subject.

Mr. CHARLES NOBLE GREGORY stated that he had received a letter from Lord Bryce upon this subject, proposing cooperation by Ameri-

can and English scholars and scholars of other countries in the preparation of a codification or encyclopedia of international law.

Mr. Roor stated that he had had some correspondence with Lord Bryce and Dr. Goudy on the subject of a resolution of the Council of the British Academy for the preparation of a "Dictionary of International Law." It was the judgment of Mr. Root that no progress could be made with codification or with a dictionary or encyclopedia without providing funds and employing competent persons who will make it their business to do the work. Upon his suggestion, the following resolution, upon motion duly made and seconded, was adopted:

Resolved, That the Committee on Codification be continued and especially charged to report upon the proposal of the British Academy for the preparation of a Dictionary of International Law.

RESIGNATION OF MR. JOHN BASSETT MOORE

The RECORDING SECRETARY then presented the following letter, dated March 30, 1918, from Mr. John Bassett Moore, tendering his resignation as a member of the Council:

Replying to your letter of the 20th instant, which has just reached me, I beg leave to say that my engagements render it impracticable for me to attend the meeting of the Executive Council in Washington on Saturday, April 27th. Indeed, until I received your letter, I was not aware that I was a member of the Council. Probably a notice was sent to me, but I had overlooked it.

As I grow older I become more and more conscious that, if I am to complete some of the tasks I have undertaken, I must limit the demands upon my time; and as I have, besides, always felt that I should not hold myself out as discharging responsibilities to which I am unable to attend, I hereby resign as a member of the Executive Council.

Mr. Moore's membership in the Council was *ex officio* by reason of his position as a Vice-President of the Society, and his resignation was therefore accepted, with regrets, to include both offices.

ELECTION OF OFFICERS AND COMMITTEES

The election of officers and committees was next in order. In view of the omission of the annual meeting of the Society, the President ruled that, under Article IV of the Constitution, all officers

elected by the Society would continue to serve until their successors are chosen at the next meeting of the Society, and that the Council should proceed to elect the officers and committees whose choice is vested in it. The election was then held and the following officers and committees were unanimously elected :

Chairman of the Executive Council: HON. OSCAR S. STRAUS.
Executive Committee:

HON. ELIHU ROOT,	HON. DAVID JAYNE HILL,
HON. GEORGE GRAY,	HON. ROBERT LANSING,
MR. CHARLES NOBLE GREGORY,	MR. JACKSON H. RALSTON,
Prof. GEORGE G. WILSON.	

Treasurer: HON. CHANDLER P. ANDERSON.

Recording Secretary: DR. JAMES BROWN SCOTT.

Corresponding Secretary: MR. CHARLES HENRY BUTLER.

Assistant to the Secretaries: MR. GEORGE A. FINCH.

The following gentlemen were then elected *ad interim* until the next meeting of the Society.

Vice-President: HON. DAVID JAYNE HILL, to succeed Hon. Joseph H. Choate, deceased.

Member of the Executive Council, vice Hon. David Jayne Hill, elected Vice-President: MR. LESTER H. WOOLSEY.

The following committees were thereupon reelected :

Standing Committee on the Selection of Honorary Members:
Prof. GEORGE G. WILSON, *Chairman,*
MR. JACKSON H. RALSTON, MR. THEODORE S. WOOLSEY.

Standing Committee on Increase of Membership:
HON. OSCAR S. STRAUS, *Chairman,*
MR. CHARLES CHENEY HYDE, Prof. JESSE S. REEVES,
Prof. JOHN H. LATANÉ, MR. THEODORE S. WOOLSEY.

Auditing Committee:
MR. ALPHEUS HENRY SNOW, MR. CHARLES RAY DEAN.

Committee on Codification:

Hon. ELIHU ROOT, <i>Chairman ex officio</i> ,	
Hon. CHANDLER P. ANDERSON,	Hon. ROBERT LANSING,
Mr. CHARLES HENRY BUTLER,	Hon. PAUL S. REINSCH,
Mr. LAWRENCE B. EVANS,	Hon. LEO S. ROWE,
Mr. CHARLES NOBLE GREGORY,	Mr. JAMES BROWN SCOTT,
Prof. GEORGE G. WILSON.	

Committee on Annual Meeting:

Mr. JAMES BROWN SCOTT, <i>Chairman</i> ,	
Prof. PHILIP M. BROWN,	Mr. CHARLES CHENEY HYDE,
Mr. WILLIAM C. DENNIS,	Hon. BRECKINRIDGE LONG,
Mr. CHARLES NOBLE GREGORY,	Mr. JACKSON H. RALSTON.

The Board of Editors of the *American Journal of International Law* was then reëlected as follows:

Mr. JAMES BROWN SCOTT, <i>Editor-in-Chief</i> ,	
Hon. CHANDLER P. ANDERSON,	Mr. CHARLES CHENEY HYDE,
Prof. PHILIP MARSHALL BROWN,	Hon. ROBERT LANSING,
Mr. CHARLES NOBLE GREGORY,	Hon. JOHN BASSETT MOORE,
Prof. AMOS S. HERSHEY,	Prof. JESSE S. REEVES,
Dr. DAVID JAYNE HILL,	Prof. GEORGE G. WILSON,
Mr. THEODORE S. WOOLSEY,	

Mr. GEORGE A. FINCH, *Secretary of the Board and Business Manager*.

Attention was called to the absence from the country of some of the members of the committees and, after consideration, the Council, upon motion, duly made and seconded, authorized the President to substitute other members for any members of committees who are unable to serve because of absence.

MISCELLANEOUS BUSINESS

The following communication, dated March 16, 1918, from Capt. A. G. Thacher, regarding the suspension of dues of members in the military service, was then presented by the Recording Secretary:

Unless provision has been made by the American Society of International Law for the suspension of dues in favor of those of its members serving in the United States military forces, I desire to tender herewith my resignation to the Association with the hope of rejoining it on the termination of the war.

After discussion as to the general course which should be pursued with reference to requests of this character, the Council adopted the following resolution:

Resolved, That the President, Recording Secretary and Treasurer be empowered to make such arrangements as they may determine in regard to the remission of dues and forwarding of the *Journal* to members in the military or naval service.

A letter from Mr. Arthur Garfield Hays, dated April 8, 1918, suggesting a joint meeting of the Society with the International Law Association, was laid before the Council by the Recording Secretary, but no action taken thereon.

At the suggestion of the Recording Secretary, Mr. GEORGE A. FINCH, the Business Manager of the *American Journal of International Law*, reported a disagreement with the printers over the charges for printing the Proceedings for 1917 and, after consideration, the Council, upon motion, directed that the matter be taken up with the publishers of the *Journal*, the Oxford University Press.

Mr. SNOW stated that under the new tax law of the District of Columbia all associations and societies were required to file an affidavit as to their character and the amount of their investments so that the Assessor may determine whether they are subject to taxation. Upon the motion of Mr. Snow, the following resolution was adopted:

Resolved, That the question of the taxation of the Society in the District of Columbia be referred to the Executive Committee, and that the proper officers of the Society be authorized to execute all necessary papers or affidavits.

DECLARATION BY THE COUNCIL UPON THE SUBJECT OF INTERNATIONAL LAW

The RECORDING SECRETARY stated that the important business which brought the Council together was to consider the advisability of drafting a public statement to be issued by the Society in lieu of a public meeting this year. He stated that the committee appointed by the President to draft the statement, in accordance with the request of the Committee on Annual Meeting, was prepared to make its report through Mr. Charles Noble Gregory.¹

¹ See minutes of the meetings of the Committee on Annual Meeting, printed herein at pages 65-66. The committee appointed by the President to draft the statement was composed as follows: Mr. James Brown Scott, *Chairman*; Hon. Chandler P. Anderson, Mr. Charles Noble Gregory, Mr. Charles Cheney Hyde, Prof. George G. Wilson.

Mr. GREGORY thereupon submitted the draft of a statement drawn up by the committee.

The purpose and phraseology of the statement was then carefully considered and discussed, Messrs. BUTLER, GREGORY, HILL, LATANÉ, ROOT, SCOTT, SNOW and WILSON taking an active part in the discussion. After several amendments had been carefully considered and agreed to, the statement was unanimously adopted as follows:

The Executive Council of the American Society of International Law considers that the very existence of international law is now at issue.

The Committee on Annual Meeting has therefore refrained from calling the members of the Society from the active work on which most of them are engaged to meet for the discussion of questions of law. The only great question of international law today is whether that law shall continue to exist.

Upon that subject the American Society of International Law reaffirms the clear and unvarying support of the United States for the rule of law, expressed in the recognition of international law in the Federal Constitution, in the decisions of its highest court and in the utterances of its Chief Magistrates and statesmen.

Mr. Webster, while Secretary of State, made this announcement:

Every nation, on being received, at her own request, into the circle of civilized governments, must understand that she not only attains rights of sovereignty and the dignity of national character, but that she binds herself to the strict and faithful observance of all those principles, laws, and usages which have obtained currency among civilized states, and which have for their object the mitigation of the miseries of war.

President Cleveland, in his special message of 1893 addressed to the Congress of the United States, said:

The law of nations is founded upon reason and justice, and the rules of conduct governing individual relations between citizens or subjects of a civilized state are equally applicable as between enlightened nations. The considerations that international law is without a court for its enforcement and that obedience to its commands practically depends upon good faith instead of upon the mandate of a superior tribunal only give additional sanction to the law itself and brand any deliberate infraction of it not merely as a wrong, but as a disgrace. A man of true honor protects the unwritten word which binds his conscience more scrupulously, if possible, than he does the bond a breach of which subjects him to legal liabilities, and the United States, in aiming to maintain itself as one of the most enlightened nations, would do its citizens a gross injustice if it applied to its international relations any other than a high standard of honor and morality.

The Council would call attention to the fact that the entire diplomatic and consular service of all nations operates under the control and protection of international law. That therefore all

the vast interests within the charge of these agencies must be left unserved and unadministered if the beneficent provisions of international law are abandoned or disregarded. They further venture to call attention to the fact that more than two-thirds of the surface of the globe is covered by the high seas, that no law is current thereon except international law, that noble branch of law, which President Wilson on April 2, 1917, addressing the Congress of the United States, declared had its "origin in the attempt to set up some law which would be respected and observed upon the seas, where no nation had right of dominion and where lay the free highways of the world." "By painful stage after stage," he said, "has that law been built up with meager enough results indeed after all was accomplished that could be accomplished, but always with a clear view at least of what the heart and conscience of mankind demanded."

To say no more than has been said as to international relations upon land, if this one law and common rule which guards the traffic of the seas is allowed to lapse in that vast and preponderant domain, no measure of right and justice, no rule of humanity or restraint will remain, only the desolating condition which the vulgate ascribes to Hell, *Ubi umbra mortis et nullus ordo sed sempiternus horror inhabitat*.

Therefore, those just and wise doctrines by which international relations are guided, humanized and controlled, can not be debilitated or abandoned. Therefore, they must be taught by our scholars, learned by our rising youth, declared and defined by our courts, announced by our Congress, enlarged by our treaties, and enforced by our Chief Executive.

Therefore, at need, our army upon the land and our navy upon the sea, with a spirit and devotion which have never declined, must maintain and defend them, not for the good of this nation or this time alone, but for the good of all nations and all men, now and forevermore.

It was then moved and carried that the Recording Secretary be instructed to give the greatest practicable publicity to the foregoing statement.

GENERAL DISCUSSION OF THE INTERNATIONAL SITUATION

The Council then indulged in a general discussion of the international situation and the future of international law, as follows:

Mr. SCOTT. I would like to voice the feeling of all of us here at our sense of relief that we have not struck a false note this year by having a meeting of the Society, because in times of this kind such a meeting,

discussing things that seem to be so irrelevant, would really hold us up to ridicule.

President ROOR. I do not know how it is with other people, but I am coming to feel a strong distaste for much talk. I think that our discussions, if we should have had a meeting here and had discussions as good as anything we ever had or better than anything we ever had, would, in the public mind and in the minds of people ordinarily interested in international law, be regarded as mere idle patter.

I have not been able to take such a very active interest in the discussion of many good friends, and able ones, who wanted to get up schemes of reorganization at the close of the war. No one can tell what the situation is going to be. An elaboration of plans now cannot be regarded as much of anything except intellectual gymnastics. I do not think any plan we can propose now is of any great value. To be sure, it is of value to think on the subject, and perhaps a good way to think on the subject is to try to prepare a plan; but you get the benefit of thinking, you don't get the benefit of a plan.

Dr. HILL. It is very important for us to see what has been done, in order that we may make a clear diagnosis of the disease. The therapeutic part of the remedy may well be left to the future, but it is very important to see what is at stake and what the fundamental causes of this situation are. There are some people who do not think there are any fundamental causes, that it is just a freak of momentary devilishness on the part of the Teutons to suddenly drop in and break up their neighbors and despoil them of their goods, and that it is nothing more than a great international act of burglary. It is that, but it is much more than that.

Prof. LATANÉ. In that connection I am reminded of something Mr. Root said two or three years ago, and which I have quoted often since: "A democracy which undertakes to control its own foreign relations ought to know something about the subject." It is a self-evident proposition, but it seems to me one of the great needs in this country is to educate the people in international law. There are really very few chairs of international law in our universities and colleges, and that is something we have to look at for the future.

Mr. SCOTT. Mr. Chairman, in reply to what Prof. Latané has said, I do not think the Society has done anything more productive of good

than to suggest, through a committee, the establishment of fellowships in international law. They have been offered by the Division of International Law of the Carnegie Endowment and have been admirably filled. Under them five teachers have been studying in American institutions to perfect themselves in the knowledge of the subject, and five students or fellows have been studying international law in order to follow the profession of teaching it. If that method be continued, in the course of a few years there will no doubt be a teaching corps. Heretofore there have been no professional teachers of international law as such. Here and there there has been a teacher of international law, but it is a branch which has been neglected from the teaching standpoint.

President ROOR. It is a slow process. What we have to do is to create competent leaders of opinion in large numbers. We have got to secure a large number of men who are competent to lead opinion in the different communities, men who know something about subjects and who can lead.

My feeling about the whole future is that the essential thing is a change of theory. It is very difficult to get any considerable number of people to realize the underlying principle of actions of no consequence. We have been for a good many years in this country going through a period in which the practical bearings of the country's position before the people were all that were considered to be of any interest or any importance. The question whether conduct squared with the underlying principles of action has been a question as to which we have not been able to get anybody to pay any attention or take any interest at all. That is one of the difficulties about the attitude of our country toward our own Constitution. A vast number of people who are affected by that view do not think that it is of any consequence that we should have a Constitution. "Be honest and deal with the situation in the right way when it comes up"—that is all they want, which is the essential element of oppression and perpetual war. From the underlying principle of the relation of the individual to the state spring our whole system of government and the whole German system,—two different underlying principles developed as certainly into those two different systems of government as the seed of the rose will develop differently from the seed of the pansy.

It used to be the fashion, when I was a boy, to sneer at the Declara-

tion of Independence as being "a lot of buncombe." The Declaration of Independence formulates the principle of Anglo-Saxon freedom and of American institutions in the statement that men have inalienable rights, to secure which governments are organized. It is so in international matters. We have been proceeding upon the underlying theory which obtains in the civil law, using that term in its restricted sense as distinct from the criminal law, that whether one nation breaks its contract with another nation is nobody's concern except the two nations, the two contracting parties. That generally has been the principle applied to all international law; so that if two nations have a controversy, it is an act of impertinence for another nation to interfere in it. We will never have any substantial improvement until we adopt the other theory, and that is that a controversy of physical violence between any nations is the direct concern of all nations; that is to say, by the application of the principle of keeping the peace that we apply in criminal law in our own communities. It is a matter of concern to me that two men get into a fight in the street, not because I am particularly concerned with them, but because unless the law safeguarding peace and order in the community is enforced and maintained, somebody will attack me, or my wife or my child. We must shift from the theory of treating the relations between nations as something depending upon the law of contracts which concerns only the contracting parties, to the view under which the relations between nations are regarded as involving the maintenance of order in the community of nations, which is the concern of every independent country. As soon as that view is accepted, nations will no longer be fearful of intervening, and there will be no resentment because they do intervene, and the establishment of institutions for the assertion of the universal right of nations will be natural and appropriate and universally accepted. I think that is the beginning of all consideration as to the future—the adoption of the theory that any war is the concern of every nation.

Dr. HILL. At the root of all that, Mr. Chairman, is this: The whole of international law, as it has been written and understood, and the whole conception of international relations, are based on the idea of the absolute sovereignty of the State; that is to say, that there is no law above the State, that it is not amenable to any principle, that its aim is its own self-interest, and that it is not to be governed or re-

strained by any principle of law whatever. If that is so, the point of attack is on that very doctrine, and that is the doctrine that has no foundation in any sound system of modern law.

President ROOR. That is the doctrine which was specifically denied in the Declaration of Independence. It is the doctrine of the ancient republics, of the German Empire, and it is denied in all the development of our freedom from Magna Charta down; it is a doctrine which we excluded by the terms of Magna Charta.

Dr. HILL. That is true. Historically it rests on two foundations. One is the fact of the predominance of physical force. The great states of the past in Europe have been organized by conflict. There is the material fact of the predominance of the sword, the physical force, the military force. Then, to give for that some sort of decent apology to the human conscience and reason, the doctrine of the divine right of the ruler was invented. That was an exudation of the mind of a lawyer, to give a legal basis to the situation for a fact that had been wrought out by military action. Nobody who has any sense believes in the divine right of rulers; but we have to face the fact of the results of physical force, so we see that process going on now; and if the Germans can beat through the British line or the French line and take possession of the coast of Flanders and hold it, of course there is no restraint except in the future physical force that will be brought to bear, perhaps, but it will take a great amount of it to drive them out. You will never have an international system of a legal character that will endure until the international highwayman and burglar is suppressed so he cannot play his game. That is the meaning of this war, and that is the meaning of the suggestion that questions of law are of no account now.

President ROOR. You know, the Germans are only half-civilized in all that makes for civilization. Civilization does not depend upon aniline dyes. On her spiritual side she has certainly not progressed later than the thirteenth century, and it is the spiritual side that is far the most important in the progress of civilization. She has the abnormal instincts which characterize her barbarisms and separate her from any civilized people. She has the intolerance, the incapacity to realize the right of existence of others, which characterizes her and her people as barbarians. She is in the position which produced the early Greek divisions of the world into *ἐκ Φύσεως ἐλεύθεροι* and *ἐκ Φύσεως δούλοι* the

Greeks being the free, and the slaves being the rest of the world. In all this frightful war this self-approving violation of plighted word and solemn obligations that the Germans have exhibited discloses the characteristics of an earlier stage of human development, an earlier stage of civilization; and I am soberly mindful of my words when I say that what they have established by this exhibition of German character in the last four years leaves it impossible to reach any other conclusion than that Germany is a half-civilized people in all that really constitutes civilization. This war is a war between the civilization of this century and the semi-civilization of the past.

A great many people will do things which are very outrageous, but they know they are outrageous, and that is the effect of civilization which is creating that standard of conscience. The Germans have not reached any point where they have such a standard of conscience. They have the conscience of the middle ages. They are really a lower organization than the countries who are opposed to them now. Extraordinary and amazing as their organization is, it is, from the standpoint of civilization, a lower organization, just as the jelly fish is a lower organization than the bird. A lower organization is less subject to shock than the higher, and that may be one reason why they are so docile and have been so easily led into this war, and why they can do the very extraordinary things in finance that they have done. We have seen them practically throw overboard all the ideas of our political economists on the subject of war finance. Germany has gone back to first principles and has discarded all the thought there is on political economy, about money, about production, about exchange, about currency. When the economist begins to talk about the inflation of currency, the relation between the amount of currency and prices, the law of supply and demand, the influences operating upon the rate of exchange, how war is paid for, the effect of its tremendous waste, he looks foolish when you mention what Germany has done. What she has done is this: she has drawn a ring around herself, and she has put her whole population back into practically the condition before money was invented. She has set a certain part of the people to work producing food, another part to work producing manufactures, another part to work digging trenches and shooting guns, another part to work building ships and sailing submarines; and she has furnished them with counters by which the amount and the extent of the individual contribution to the common cause may be marked; and they are all

working under a supreme command, doing just as they are told to, and they are passing the counters to and fro. There are no economic laws working in Germany. Everything is put on the basis of command, which is possible only where the common will is effaced and the individual is subject to the supreme rule.

Dr. HILL. That can go on within the ring because what is within that ring constitutes an economic unit; but it could not go on in international relations. We could have had bimetallism in this country, or we could have had fiat money of any kind in any quantity so long as the proportions were maintained if we had no foreign relations; but when you come to buy a bill of exchange on London with silver, and London is on a gold basis, then you find out what you will have to pay for it. It is just so in the case of Germany now. She has not created a foreign debt, but she has consumed the energies of her population practically entirely in the prosecution of this war.

Mr. HYDE. In eleven years in this Society I think I have attended no session so instructive as this morning. I think it is the most stimulating meeting we ever had.

Mr. Vice-President, I move that the Executive Council express to the President its especial gratification to him for coming here this morning and taking part in this discussion and giving us the benefit of his views on this very important matter.

(The motion was seconded, put by Vice-President HILL, and agreed to by a unanimous rising vote.)

Whereupon, the Executive Council, at 1.30 o'clock p. m. adjourned.

ELIHU ROOT,
President.

GEO. A. FINCH,
Assistant Secretary.